

**REMARKS**

Claims 1 to 15 and 17 to 26 are pending. Claim 16 is canceled. Claims 1, 15, and 19 are currently amended. Claims 19 to 26 have been withdrawn from consideration.

Reconsideration of the application as amended is requested.

Support for the amendments to claims 1, 15, and 19 can be found in the specification, for example, in paragraph [0046].

Claim 19 has been amended to include all of the limitations of claim 1. Each of claims 20 to 26 depend directly or indirectly from claim 19. Rejoinder of claims 19 to 26 is respectfully requested.

**§ 103 Rejections**

Claims 1 to 15 and 17 and 18 are rejected under 35 USC § 103(a) as being unpatentable over Litzow (U.S. Pat. No. 5,475,951) in view of Lux (U.S. Pat. No. 5,928,070) and Biddle (U.S. Pat. No. 1,764,928).

The Office Action states:

"Therefore, since abrasive materials are recognized as functional equivalents in grinding wheels and treads for stairs at the time the invention was made, one of ordinary skill in the art would have found it obvious to use Lux's abrasive material as the slip resistant material in Litzow."

It is submitted that the rejection is unwarranted because Litzow teaches away from using an abrasive material comprising a web and a binder, said web comprising a multitude of substantially continuous three-dimensionally undulated thermoplastic filaments autogenously bonded where they contact one another, wherein said filaments have a diameter in a range from 0.1 to 3 mm and said web has a thickness of at least 0.5 cm and a coil weight in a range from 0.1 to 3.0 kg/m<sup>2</sup>, as claimed in Applicant's amended claim 1.

Litzow teaches a stair tread cover that is made by applying a first thermosetting resin to a metallic substrate, laying a mesh over the resin, partially curing the thermosetting resin, applying a second coating of thermosetting resin, applying grit to the surface of the second coating of thermosetting resin, fully curing the first and second coatings of thermosetting resins, and applying a third coating of resin over the grit particles. The first layer of thermosetting resin has a thickness of about 5 to 10 mils (col. 4, lines 11-12, Fig. 1). The second layer of thermosetting resin has a thickness of about 10 to 20 mils (col. 5, line 6, Fig. 1). The third layer of thermosetting resin has a thickness of about 20 to 40 mils (col. 5, line 56, Fig. 1), and the total thickness of the resin in the finished product is between about 35 and about 70 mils (col. 6, lines 32-33). Having a decreased thickness relative to prior art stair tread covers was a desired feature of Litzow (col. 1, lines 50 to 52, 62 to 65).

A web comprising a multitude of substantially continuous three-dimensionally undulated thermoplastic filaments autogenously bonded where they contact one another, wherein said filaments have a diameter in a range from 0.1 to 3 mm (4 to 119 mils) and wherein said web has a thickness of at least 0.5 cm and a coil weight in a range from 0.1 to 3.0 kg/m<sup>2</sup>, as claimed in Applicant's amended

claim 1, could not be used in the stair tread cover of Litzow because it would be too thick to maintain the specified resin coating thickness of Litzow. A web thickness of at least 0.5 cm (197 mils) is thicker than the mesh taught in Litzow and thicker than the specified total maximum resin thickness of 70 mils. Litzow does not teach how to cure layers of resin over a web having a thickness of greater than 70 mils onto a shaped piece of metal while maintaining the structure reported in U. S. Pat. No. 5,475,951. Therefore, one of ordinary skill in the art would not have substituted Lux's abrasive material for Litzow's slip resistant material.

Biddle (U.S. Pat. No. 1,764,928) does not cure the deficiencies of Litzow in view of Lux because it does not teach one of ordinary skill in the art how to use Lux's abrasive material, typically having a thickness between 6 and 50 millimeters (see, e.g., col. 6, lines 2 to 6 in U.S. Pat. No. 5,928,070), as Litzow's skid resistant surface. The Office Action does not provide any other evidence that one of ordinary skill in the art would have been lead to use Lux's abrasive material in Litzow's article.

The rejection of claim 1 under 35 USC § 103(a) as being unpatentable over Litzow (U.S. Pat. No. 5,475,951) in view of Lux (U.S. Pat. No. 5,928,070) and Biddle (U.S. Pat. No. 1,764,928) has been overcome and should be withdrawn.

Claims 2 to 15, 17, and 18 each depend directly or indirectly from claim 1. Claim 1 is patentable at least for the reasons given above. Thus, claims 2 to 15, 17, and 18 are likewise patentable.

In summary, the rejection of claims 1 to 15 and 17 and 18 under 35 USC § 103(a) as being unpatentable over Litzow (U.S. Pat. No. 5,475,951) in view of Lux (U.S. Pat. No. 5,928,070) and Biddle (U.S. Pat. No. 1,764,928) has been overcome and should be withdrawn. It is submitted that the application is in condition for allowance. Examination and reconsideration of the application, as amended, is requested.

Respectfully submitted,

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